

## **CONFERENCE COMMITTEE REPORT DIGEST FOR EHB 1395**

**Citations Affected:** IC 5-22.

**Synopsis:** Government purchasing. Provides that if an offeror offers to furnish supplies made in a country other than the United States, a governmental body may not award a contract to the offeror for those supplies if the supplies were made using forced labor. Provides that a solicitation by a state or local governmental entity for the purchase of supplies must require that if any steel products are used in the manufacture of the supplies, the steel products must be manufactured in the United States. Provides that a solicitation by a state or local governmental entity for the purchase of services must require that if any steel products are used in the manufacture of the supplies used in the performance of the contract, those steel products must be manufactured in the United States. Waives the requirements for certain small purchases and establishes other circumstances under which the requirements may be waived. Provides that an Indiana taxpayer has standing to challenge a determination to waive the requirement or to enforce a contract for steel products that contains the requirement. Makes a conforming amendment. (This conference committee report does the following: (1) Provides that a solicitation by a state or local governmental entity for the purchase of supplies must require that if any steel products are used in the manufacture of the supplies, the steel products must be manufactured in the United States. (2) Provides that a solicitation by a state or local governmental entity for the purchase of services must require that if any steel products are used in the manufacture of the supplies used in the performance of the contract, those steel products must be manufactured in the United States. (3) Waives the requirements for certain small purchases and establishes other circumstances under which the requirements may be waived. (4) Provides that an Indiana taxpayer has standing to challenge a determination to waive the requirement or to enforce a contract for steel products that contains the requirement. (5) Makes a conforming amendment.)

**Effective:** July 1, 2001.

# CONFERENCE COMMITTEE REPORT

**MR. PRESIDENT:**

*Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill No. 1395 respectfully reports that said two committees have conferred and agreed as follows to wit:*

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

- 1       Page 1, line 1, delete "IC 5-22-15-24" and insert "IC 5-22-15-24.2".
- 2       Page 1, line 3, delete "Sec. 24." and insert "**Sec. 24.2.**".
- 3       Page 1, after line 10, begin a new paragraph and insert:
- 4       "SECTION 2. IC 5-22-15-25 IS ADDED TO THE INDIANA CODE
- 5       AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 6       1, 2001]: **Sec. 25. (a) As used in this section, "steel products" means**
- 7       **products rolled, formed, shaped, drawn, extruded, forged, cast,**
- 8       **fabricated, or otherwise similarly processed, or processed by a**
- 9       **combination of two (2) or more such operations, by the open**
- 10       **hearth, basic oxygen, electric furnace, Bessemer, or other steel**
- 11       **making process.**
- 12       **(b) As used in this section, "United States" includes all territory,**
- 13       **continental or insular, subject to the jurisdiction of the United**
- 14       **States.**
- 15       **(c) Unless the head of the purchasing agency makes a written**
- 16       **determination described in subsection (d), a solicitation must**
- 17       **require that if any steel products are used in:**
- 18               **(1) the manufacture of the supplies required under the**
- 19               **contract; or**
- 20               **(2) supplies used in the performance of the services under the**
- 21               **contract by the contractor or a subcontractor of the**
- 22               **contractor;**

1 the steel products must be manufactured in the United States.

2 (d) Subsection (c) does not apply if the:

3 (1) head of the purchasing agency determines in writing that:

4 (A) the cost of the contract with the requirements of  
5 subsection (c) would be greater than one hundred fifteen  
6 percent (115%) of the cost of the contract without the  
7 requirements of subsection (c); and

8 (B) failure to impose the requirements of subsection (c)  
9 would not in any way:

10 (i) harm the business of a facility that manufactures steel  
11 products in Indiana; or

12 (ii) result in the reduction of employment or wages and  
13 benefits of employees of a facility described in item (i); or

14 (2) purchase is:

15 (A) less than ten thousand dollars (\$10,000); and

16 (B) made under the small purchase policies (as described in  
17 IC 5-22-8-2(b)) established by the purchasing agency or  
18 under rules adopted by the governmental body.

19 (e) A purchasing agency shall inform offerors in the solicitation  
20 of the provisions of this section.

21 SECTION 3. IC 5-22-17-14 IS ADDED TO THE INDIANA CODE  
22 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
23 1, 2001]: **Sec. 14. A contract awarded under this article must**  
24 **include the requirements of IC 5-22-15-25(c) unless the head of the**  
25 **purchasing agency makes a determination under IC 5-22-15-25(d).**

26 SECTION 4. IC 5-22-19-5 IS ADDED TO THE INDIANA CODE  
27 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
28 1, 2001]: **Sec. 5. An Indiana taxpayer has standing to:**

29 (1) challenge a determination made under IC 5-22-15-25(d);  
30 and

31 (2) enforce a contract provision required by IC 5-22-17-14 if  
32 the contract is related to steel products (as defined in  
33 IC 5-22-15-25(a)) or supplies manufactured by steel products".

(Reference is to EHB 1395 as printed March 23, 2001.)

**Conference Committee Report**  
**on**  
**Engrossed House Bill 1395**

**S**igned by:

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Representative Kuzman  
Chairperson

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Senator Merritt

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Representative Atterholt

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Senator Craycraft

**House Conferees**

**Senate Conferees**